

# EXHIBIT 3

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

D.W.K., a minor, by MARY )  
KALETA and DANIEL KALETA, )  
individually as parents and )  
next friends of D.W.K., )  
 )  
C.P., a minor, and E.P., a )  
minor, by ROGER PYSZKOWSKI )  
and MINDY PYSZKOWSKI, ) Case No.  
individually as parents and ) 14-cv-847-NJR  
next friends of C.P. and )  
E.P., )  
 )  
J.F., a minor, by MICHELLE )  
LEAL, individually as parent )  
and next friend of J.F., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
ABBOTT LABORATORIES, INC., )  
 )  
Defendant. )

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VIDEOTAPED DEPOSITION OF:  
JAMES EMBRESCIA, M.D.  
DECEMBER 11, 2014  
CHICAGO, ILLINOIS

REPORTED BY: MARIANNE NEE,  
CSR, CRR, RDR

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1 there was a recommendation for that.

2 BY MR. SAMPSON:

3 Q. So if you look at the second page,  
4 Dr. Embrescia, under No. 4, No. 4 says develop  
5 or -- "Discuss and develop a flowchart for the  
6 treatment of adult epilepsies and co-morbid  
7 conditions." Do you see that?

8 A. I do.

9 Q. The first bullet point says, "Not  
10 use Depakote in female of childbearing years due  
11 to teratogenicity potential," right?

12 A. Oh, yes. Okay, I see it. What page  
13 are you --

14 Q. The second page.

15 A. Yes, I see it now.

16 Q. The first bullet point under No. 4.

17 A. Got it.

18 Q. This Abbott 2001 document reflects  
19 that these consultants that were part of the  
20 meeting, at least part of their position was,  
21 "Not use Depakote in female of childbearing  
22 years due to teratogenic potential," right?

23 MR. MacWILLIAMS: Objection; form and  
24 foundation and scope.

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1 BY THE WITNESS:

2 A. I'm looking for the words  
3 teratogenic potential. There it is, yes.  
4 That's what the words say, yes.

5 BY MR. SAMPSON:

6 Q. Did the people who were assessing  
7 Depakote's safety profile in the early 2000s  
8 take into consideration the fact that Abbott's  
9 neurology consultants had suggested that  
10 Depakote not be used in females of childbearing  
11 years due to its teratogenic potential?

12 MR. MacWILLIAMS: Objection; form,  
13 foundation and scope.

14 BY THE WITNESS:

15 A. Again, to my knowledge -- I have no  
16 knowledge of this document. I don't know where  
17 it came from and I don't believe it was ever  
18 discussed within the safety organization, so I  
19 can't answer the question.

20 BY MR. SAMPSON:

21 Q. So you don't recall any discussion  
22 about Abbott neurology consultants suggesting  
23 that Depakote should not be used in females of  
24 childbearing years in the early 2000 timeframe?

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1 MR. MacWILLIAMS: Objection; form,  
2 foundation, scope and asked and answered.

3 BY THE WITNESS:

4                   A.        Again, as I said at the beginning of  
5 this, I have no knowledge of Abbott neurology  
6 consultants at all, so I can't answer any  
7 question on that.

8 BY MR. SAMPSON:

9 Q. I'm handing you Exhibit 992.

10 A. Thank you.

11 (Exhibit 992 was marked for  
12 identification.)

13 BY MR. SAMPSON:

14 Q. This is an article from the  
15 publication Seizure in 2002. Do you see that?

16 A. I do.

17 0. And the lead author is Mawer?

18 A. Yes, sir, it is.

19 Q. The title is, "Outcome of pregnancy  
20 in women attending an outpatient epilepsy  
21 clinic: adverse features associated with higher  
22 doses of sodium valproate." right?

23 A. That is the title, yes.

24 0. Sodium valproate is a form of

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1 indirectly in the outcome of this action.

2 I further certify that this certificate  
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5 for the accuracy of any reproduced copies not  
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7 IN WITNESS WHEREOF, I do hereunto set  
8 my hand at Chicago, Illinois, this 23rd day of  
9 December, 2014.

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13 Marianne Nee

14 Certified Shorthand Reporter

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16 C.S.R. Certificate No. 84-2341

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